

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA  
LAS VEGAS DIVISION

COMBS PRODUCE CO., LP

Plaintiff,

VS.

CAL-USA BROKERS, INC.,  
HARRY MANETTAS, AND  
PHILIP KOSTOFF

Defendants.

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CIVIL ACTION NO. 2:10-cv-01523

**DEFAULT JUDGMENT AGAINST DEFENDANTS  
CAL-USA BROKERS, INC. AND HARRY MANETTAS**

Before the Court is Plaintiff, COMBS PRODUCE CO., LP's ("**Combs**"), *Motion for Default Judgment against Defendants CAL-USA BROKERS, INC. and HARRY MANETTAS* (collectively referred to herein as the "**Defendants**") (the "**Motion**"). It appears to the Court after consideration of the evidence submitted in support of the Motion that good and just cause exists for granting the Motion, particularly in light of the fact that each of the Defendants, although duly and properly served with process herein or having waived formal requirements of service of process, has each failed to file an answer or otherwise defend as to the complaint filed by Plaintiff initiating the above styled and referenced action ("**Action**").

Accordingly, the Court ORDERS, ADJUDGES and DECREES and finds as follows:

1. The Motion shall be and is hereby GRANTED; and
2. Judgment by default shall be and is hereby entered against Defendants, jointly and severally, in favor of Combs on all causes of action asserted in the Complaint initiating the Action and as amended (the "**Complaint**"), which are incorporated herein by reference as if fully set forth for all purposes; and

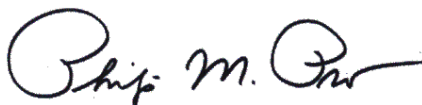
3. All of the factual allegations set forth in the Complaint shall be and are hereby taken to be admitted by each of the Defendants and are deemed to be true and valid, including but not limited to the following:

a. Combs is the beneficiary of a federal statutory trust created in its favor pursuant to the terms of the PACA (the “**PACA Trust**”) as it relates to Defendants. 7 U.S.C. § 499e(c). The PACA Trust is intended to secure and provide for repayment of the indebtedness owing to suppliers of perishable agricultural commodities, such as Combs; and

b. Defendants violated and breached the PACA Trust provision as it relates to their obligations owing to Combs; and

4. Combs shall have and recover judgment of and from Defendants, jointly and severally the sum of \$740,805.55, together with reasonable attorneys’ fees and expenses, and costs of court, on the total of which Combs shall also recover pre-judgment interest of \_\_\_\_\_% per annum until the date a final judgment is entered in this Action. Combs shall also be entitled to recover post-judgment interest on all sum awarded by the Court to be set forth in a final judgment.

SIGNED this \_ 14th day of March, 2011.



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UNITED STATES DISTRICT JUDGE